HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No. 21695 of 1998

Date 10-10-2007

Between:
P. Radha Krishna Rao and others.

.....
PETITIONERS

AND
Superintendent of Police,
Eluru, W.G. District and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.21695 of 1998

ORDER: (per Smt. T.Meena Kumari,J)

This writ petition is filed for issuance of a writ of Mandamus or appropriate writ, order or direction setting aside the orders of the 1st respondent issued in D.O. No. 1062/87, C. No.115/PR/86, dated 1.12.1987 and that of the 2nd respondent in C. No. 7/Appl./88, dated 4.7.1988 and the orders of the Andhra Pradesh Administrative Tribunal in R.P. No. 6228 of 1988 with all consequential benefits and to pass such other order or orders.

The brief facts of the case are that the petitioner herein was working as Police Constable at Kovur Police Station. While so, a disciplinary enquiry was initiated against him and an enquiry officer was appointed to conduct enquiry into the matter. The Enquiry Officer after considering the evidence on record and the plea of the petitioner held the charges levelled against the petitioner as proved and accordingly submitted his report to the Superintendent of Police, West Godavari District Eluru, the disciplinary authority. The disciplinary authority after affording necessary opportunity to the petitioner and on considering the explanation of the petitioner, through proceedings dated 7.12.1987 passed an order imposing punishment of

removal from service. Questioning the said order, the applicant has filed an appeal before the Director General of Police, Eluru Range, who by his order dated 4.7.1988 dismissed the same. Aggrieved, the petitioner filed a revision before the Tribunal. The Tribunal, by the order impugned in this writ petition dismissed the revision.

Learned counsel for the petitioner contended that there is no evidence on record to prove that the charges levelled against the petitioner are proved and hence the Tribunal, erred in dismissing the revision. He, therefore, submits that the writ petition be allowed and the order impugned be set aside.

Leaned Government Pleader, on the other hand, supported the impugned order and prayed that the writ petition be dismissed.

Admittedly, the charges levelled against the petitioner are very grave in nature. There is no material on record to show that the enquiry was not conducted in a free and fair manner. A copy of the report of the enquiry officer was also furnished to him. The disciplinary authority after considering the explanation offered by the petitioner and after examining the witnesses, after giving due opportunity to the petitioner to cross-examine the witnesses, imposed the punishment of removal from service, which was rightly confirmed by the appellate authority. When a revision was preferred against the order of the appellate authority before the Tribunal, the Tribunal having perused the charge memo and the explanation of the petitioner, through the impugned order found that the enquiry was conducted in accordance with the rules and the petitioner was also afforded sufficient opportunity to rebut the charges levelled against him. It further found that the disciplinary authority after furnishing a copy of the enquiry report to the petitioner and after examining

the witnesses and after allowing the petitioner to cross-examine the witnesses, taking into consideration the gravity of the misconduct, passed the order of removal. It, therefore, declined to interfere with the said order of the disciplinary authority, as confirmed by the appellate authority and accordingly dismissed the revision. We, also do not find any ground to interfere with the impugned order of the Tribunal.

. The writ petition fails and it is accordingly dismissed. No costs.

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(T. MEENA KUMARI,J)

Date: 10th October, 2007

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(G. CHANDRAIAH,J)

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